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IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI <u>AT KANSAS CITY</u>

PC	DLICE NO.:	KC1	9091992	
	PROSECUTOR NO.:		095459575	
	OCN:			
STATE OF MISSOURI,)	
,	PLAINT	IFF,)	
vs.)	
EDIC I DEVILORENA EDE)	
ERIC J. DEVALKENAERE)	
) CASE NO.	
DOB: 11/03/1978)	
Race/Sex: W/M			,)	
			,)	
	DEFENDA	NT.)	

INDICTMENT

In the Circuit Court of Jackson County, Missouri, at Kansas City, September Term, 2019. In Division Number 7 thereof, designated by the rules of said Court as Criminal Division A.

Count I. Involuntary Manslaughter 1st Degree (565.024-001Y19840910.0)

The Grand Jurors of the County of Jackson, State of Missouri, charge that the Defendant, in Section 565.024, RSMo, committed the Class C Felony of Involuntary Manslaughter in the First Degree, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about December 3, 2019, in the County of Jackson, State of Missouri, the defendant recklessly caused the death of Cameron D. Lamb by shooting him.

The range of punishment for a Class C Felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than three (3) years and not to exceed ten (10) years; or by a fine not to exceed ten thousand dollars (\$10,000); or by both imprisonment and a fine. If money or property has been gained through the commission of the crime, any fine imposed may be not more than double the amount of the offender's gain from the commission of the crime.

Count II. Armed Criminal Action (571.015-001Y19755213.0)

The Grand Jurors of the County of Jackson, State of Missouri, charge that the defendant, in violation of The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 571.015, RSMo, committed the **Felony of Armed Criminal Action**, punishable upon conviction under Section 571.015.1, RSMo, in that on or about December 3, 2019, in the County of Jackson, State of

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Missouri, the defendant committed the felony of Involuntary Manslaughter in the First Degree as charged in Count 1, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of Involuntary Manslaughter in the First Degree, by with and through, the knowing use, assistance and aid of a deadly weapon.

The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than three (3) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of three (3) calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. as a second offense is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than five (5) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of five (5) calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. as a third offense is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than ten (10) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of ten (10) calendar years. Any punishment imposed pursuant to section 571.015 RSMo. shall be in addition to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon.

A TRUE BILL

OAME AND OLV	
	JEAN PETERS BAKER
	PROSECUTING ATTORNEY
	FOR THE COUNTY OF JACKSON.

☐ SUMMONS TO ISSUE. BOND TO REMAIN AS PREVIOUSLY SET. SPECIAL

CONDITIONS SHALL REMAIN IN EFFECT.

WARRANT TO ISSUE. BOND SET AS FOLLOWS: \$ 3) (00) / 10%

BOND CONDITIONS: DEFENDANT IS TO HAVE NO CONTACT WITH VICTIM OR ANY WITNESSES, INCLUDING HIS CO-WORKERS WHO WITNESSED ANY PART OF THE EVENT OR WHO INVESTIGATED THIS EVENT. DEFENDANT IS NOT TO POSSESS FIREARMS OR AMMUNITION OUTSIDE OF THEIR EMPLOYMENT.

CIRCUIT COURT JUDGE

WITNESSES:

- 1. DET David A. Adair, 1125 Locust, Kansas City, MO 64106
- PO Jacob M. Alexander, 1125 Locust, Kansas City, MO 64106
- 3. PO Michael D. Baker, 1125 Locust, Kansas City, MO 64106
- 4. PO Haley Balachowski, 1125 Locust St., Kansas City, MO 64106
- 5. PO Charles F. Barbosa, 1125 Locust, Kansas City, MO 64106
- 6. SGT Mark A. Bentz, 1125 Locust, Kansas City, MO 64106
- 7. SGT David Berg, 1125 Locust, Kansas City, MO 64106
- 8. PO Christopher D. Blevins, 1125 Locust, Kansas City, MO 64106
- 9. PO James C. Brownsberger, 1125 Locust, Kansas City, MO 64106
- 10. DET Jernisha D. Cann, 1125 Locust, Kansas City, MO 64106
- 11. PO Candace A. Crockett, 1125 Locust, Kansas City, MO 64106
- 12. PO Alexander Cruz, 1125 Locust, Kansas City, MO 64106
- 13. PO Louis A Curtis, 1125 Locust, Kansas City, MO 64106
- 14. Laurie Bey, 415 E. 12th Street, Kansas City, MO 64106
- 15. PO Mark A. Diviak, 1125 Locust, Kansas City, MO 64106
- 16. SGT Andrew G. Dorothy, 1125 Locust, Kansas City, MO 64106
- 17. PO Kyle Easley, 1125 Locust, Kansas City, MO 64106
- 18. DET Michael R. Eickmann, 1125 Locust, Kansas City, MO 64106
- 19. PO Chad D. Fowler, 1125 Locust, Kansas City, MO 64106
- 20. PO Derek T Garth, 1125 Locust, Kansas City, MO 64106
- 21. PO Kegan J. Gemmell, 1125 Locust, Kansas City, MO 64106
- 22. PO Nathan B. Getman, 1125 Locust, Kansas City, MO 64106
- 23. DET Millie E. Gray, 1125 Locust, Kansas City, MO 64106
- 24. Tony Martin Guess, 4155 College Ave., Kansas City, MO 64130
- 25. Staff Operations Specialist Erica Guyer, 1300 Summit St., Kansas City, MO 64106
- 26. PO Jonathan A. Hall, 1125 Locust, Kansas City, MO 64106
- 27. PO Judith M. Harris, 1125 Locust, Kansas City, MO 64106

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- 28. Agent Jared Hewitt, 1300 Summit St., Kansas City, MO 64106
- 29. CPT William R Hewitt, 1125 Locust, Kansas City, MO 64106
- 30. DET Adam L. Hill, 1125 Locust, Kansas City, MO 64106
- 31. PO Dillon R. Hronek, 1125 Locust, Kansas City, MO 64106
- 32. SGT Eurik K. Hunt, 1125 Locust, Kansas City, MO 64106
- 33. PO Devin J. Jackson, 1125 Locust, Kansas City, MO 64106
- 34. PO Scott J. Johnson, 1125 Locust, Kansas City, MO 64106
- 35. PO Eric J. Joy, 1125 Locust, Kansas City, MO 64106
- 36. PO Erich J. Kenning-Zweimiller, 1125 Locust, Kansas City, MO 64106
- 37. DET Danielle M. Kincaid, 1125 Locust, Kansas City, MO 64106
- 38. PO Bobbie S. King, 1125 Locust, Kansas City, MO 64106
- 39. Nickalass King, 415 E. 12th Street, Kansas City, MO 64106
- 40. Bobby Lamb, 8407 Booth, 415 E. 12th Street, Kansas City, MO 64106
- 41. Cameron D. Lamb (deceased), 415 E. 12th Street, Kansas City, MO 64106
- 42. SGT Michael A. Lenoir, 1125 Locust, Kansas City, MO 64106
- 43. PO Bridgette L. Lyles, 1125 Locust, Kansas City, MO 64106
- 44. PO Nicholas A. Martinez, 1125 Locust, Kansas City, MO 64106
- 45. PO David R. McKinzie, 1125 Locust, Kansas City, MO 64106
- 46. Roberta A Merritt, 415 E. 12th Street, Kansas City, MO 64106
- 47. PO Andrew J. Miller, 1125 Locust, Kansas City, MO 64106
- 48. PO Edward Morales, 1125 Locust, Kansas City, MO 64106
- 49. PO Tyler S Moss, 1125 Locust, Kansas City, MO 64106
- 50. PO Jonathan R. Munyan, 1125 Locust, Kansas City, MO 64106
- 51. PO Matthew D. Oropeza, 1125 Locust, Kansas City, MO 64106
- 52. SGT Terrence D. Owens, 1125 Locust, Kansas City, MO 64106
- 53. PO James R. Palmer, 1125 Locust, Kansas City, MO 64106
- 54. SGT Justin T. Palmer, 1125 Locust, Kansas City, MO 64106
- 55. PO Jeffrey D Peacock, 1125 Locust, Kansas City, MO 64106
- 56. PO Dillon P Phillips, 1125 Locust, Kansas City, MO
- 57. PO Tyrone J. Phillips, 1125 Locust, Kansas City, MO 64106
- 58. PO Levi M. Plaschka, 1125 Locust, Kansas City, MO 64106
- 59. PO Jon M. Powell, 1125 Locust, Kansas City, MO 64106
- 60. DET James H. Price, 1125 Locust, Kansas City, MO 64106
- 61. PO Daniel Quiles, 1125 Locust, Kansas City, MO 64106
- 62. PO Jamison J Raines, 1125 Locust, Kansas City, MO 64106
- 63. PO Bryce L. Rains, 1125 Locust, Kansas City, MO 64106
- 64. Shanice J Reed, 415 E. 12th Street, Kansas City, MO 64106
- 65. PO Vincent Reyes, 1125 Locust, Kansas City, MO 64106
- 66. PO Romell F. Richardson, 1125 Locust, Kansas City, MO 64106
- 67. Agent C.J. Sanders, 1300 Summit St., Kansas City, MO 64105
- 68. PO Michael B. Sartain, 1125 Locust, Kansas City, MO 64106

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- 69. SGT Troy D Schwalm, 1125 Locust, Kansas City, MO 64106
- 70. PO Toby M Sicks, 1125 Locust, Kansas City, MO 64106
- 71. DET Timothy E. Sims, 1125 Locust, Kansas City, MO 64106
- 72. SGT Ward A Smith, 1125 Locust, Kansas City, MO 64106
- 73. PO Warner J Stumpenhaus, 1125 Locust, Kansas City, MO 64106
- 74. PO Troy M Thomas, 1125 Locust, Kansas City, MO 64106
- 75. PO Rares S. Toma, 1125 Locust, Kansas City, MO 64106
- 76. PO Carter Truax, 1125 Locust, Kansas City, MO 64106
- 77. SGT Andrew S. Uptegrove, 1125 Locust, Kansas City, MO 64106
- 78. PO Eric A. Valentine, 1125 Locust, Kansas City, MO 64106
- 79. PO Jacob R. Walton, 1125 Locust, Kansas City, MO 64106
- 80. PO Daniel E. Watson, 1125 Locust, Kansas City, MO 64106
- 81. PO Slade A. Whetro, 1125 Locust, Kansas City, MO 64106
- 82. PO Nicole M. Wright, 1125 Locust, Kansas City, MO 64106
- 83. PO Ryan P. Young, 1125 Locust, Kansas City, MO 64106

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI AT KANSAS CITY

In re: Criminal Record Number 19-91992 Division 7

Evidence Presented and Factual Findings in Support of Indictment

On June 18, 2020, this Grand Jury convened to complete the review of evidence in the December 3, 2019 shooting death of Cameron Lamb by Detective Eric DeValkenaere, KCPD File No. 19-91992.

Based on the review of the evidence, we have probable cause to believe that Eric DeValkenaere recklessly caused the death of Cameron Lamb during the December 3, 2019 shooting.

I. Evidence Presented

- 1. Timeline of Events
- 2. NICHE Reports
- 3. Lab Report #1
- 4. Lab Report #2
- 5. Lab Report #3
- 6. Lab Report #4
- 7. Lab Report #6
- 8. Lab Report #9
- 9. Lab Report #10
- 10. Search Warrant Application I Search Warrant I Return 4154 College Ave.
- 11. Consent to Search-1995 Maroon Ford Mustang
- 12. Master Recording CAD Information (NVI Air Only)
- 13. Master Recording CAD Information
- 14. Investigative Report (Form 5042) Time / Distance Speed Calculation
- 15. Police Helicopter Flight Log
- 16. Report of the Medical Examiner
- 17. ATF Firearm Trace Report
- 18. Heart of America RCFL Intake Evidence Receipt
- 19. JACO Medical Examiner Evidence Release Receipt FTA / DNA Card
- 20. KCPCL Evidence Receipt FTA / DNA Card
- 21. KCKS PD Criminal Investigation Addendum
- 22. Crime Scene Log
- 23. Photos
- 24. Property Bag Contents List I Consent to Search Video Surveillance 4501 Cleveland
- 25. Transcription Det. Eric DeValkenaere
- 26. Transcription Det. Troy Schwalm
- 27. Transcription Det. Troy Schwalm (2nd Int)
- 28. Transcription Det. Adam Hill

- 29. Transcription Roberta Merritt
- 30. Transcription Nickalass King
- 31. Transcription Nickalass King (2nd Int)
- 32. Transcription Tony Guess
- 33. Transcription Sgt. William Hewitt
- 34. Transcription PO Toby Sicks
- 35. Transcription PO Jonathan Munyan
- 36. Transcription Sgt. Mark Bentz
- 37. Transcription PO Andrew Miller
- 38. Transcription PO Carter Truax
- 39. Transcription PO Romell Richardson
- 40. Transcription MPO Michael Eickmann
- 41. Transcription PO Troy Thomas
- 42. Transcription PO Jamison Raines
- 43. Transcription PO James Brownsberger
- .44. Transcription PO Charles Barbosa
- 45. Transcription PO Tyrone Phillips
- 46. Transcription PO Eurik Hunt
- 47. Transcription PO Chad Fowler
- 48. Transcription PO Slade Whetro
- 49. Transcription KCFD EMT Scott Phalp
- 50. Transcription KCFD EMT Lancing Wilson
- 51. Transcription PO Nicole Wright
- 52. Transcription PO Dillon Phillips
- 53. Transcription PO Devin Jackson
- 54. Transcription PO Erich Kenning-Zweimiller
- 55. Transcription PO Darin Lutz
- 56. Transcription PO Michael Baker
- 57. Transcription PO Jon Powell
- 58. Transcription PO Michael Sartain
- 59. Transcription PO Eric Valentine
- 60. Transcription PO Christopher Blevins
- 61. Transcription PO Bryce Rains
- 62. Transcription PO Kyle Easley
- 63. Transcription Keith Harrison
- 64. Transcription PO Daniel Watson
- Transcription Air Tape
- 66. Transcription NV-1Air Tape
- 67. Transcription PCO Josie Hall
- 68. COBAN / Air Tape Disks
- 69. DV Assault File 19-92047
- 70. Grand Jury Testimony of Laurie Bey
- 71. Grand Jury Testimony of Roberta Merritt
- 72. Grand Jury Testimony of Sgt. Troy Schwalm
- 73. Grand Jury Testimony of Det. Eric DeValkenaere
- 74. Recording of Voicemail, Dated December 3, 2019

- 75. FBI's Voice enhancement of Recording of Voicemail, dated
- T-Mobile Phone Records T-Mobile Cellular phone number 816-299-6349 for December 2019
- 77. Cameron Lamb's 2015 Truman Medical Records
- 78. FBI's Evidence Response Team's 3D Dimensional Scanning/Mapping of the Crime Scene
- 79. Photographs of 4154 College, dated December 14, 2019
- 80. Email memorializing interview with Roberta Merritt, dated December 14, 2019
- 81. Memorandum of interview with Nickalass King, January 9, 2020

II. Factual Findings

According to the evidence presented to us, on December 3, 2019, Detective Troy Schwalm and Detective Eric DeValkenaere responded to radio dispatches about a traffic incident involving a red pickup truck. Both officers were in plain-clothes with KCPD vests and they arrived in separate unmarked police vehicles. A police helicopter had observed a red pickup truck drive to 4154 College Avenue where the vehicle began reversing down the driveway and into the garage in the back of the home. Detective Troy Schwalm and Detective Eric DeValkenaere arrived at 4154 College Avenue to investigate the prior traffic incident appearing to be a car chase between two civilian vehicles. They did not have a warrant to go onto the property.

Upon arriving at 4154 College, Detective Schwalm parked his vehicle in the driveway, drew his gun and exited his vehicle. Although Roberta Merritt, a resident of the house was on the porch, Detective Schwalm did not stop to ask her any questions or acknowledge her presence. Detective DeValkenaere arrived just after Detective Schwalm. He exited his vehicle, drew his gun, and encountered Ms. Merritt. Neither detective requested permission to enter the backyard, nor did Ms. Merritt indicate that detectives could enter the backyard. Rather, Detective DeValkenaere demanded information on who was in the backyard. The detectives proceeded to the back of the home arriving in the backyard at different times.

Detective Schwalm went up the driveway on the south side of the house to the backyard where he observed Nickalass King near several vehicles. Other than telling Mr. King that the detectives were not there for him, Detective Schwalm did not ask Mr. King about the driver of the pickup or seek assistance from Mr. King. Instead, Detective Schwalm continued to head toward the front of the ramp leading down to the garage where the pickup was backing into the opening. Seconds later, Detective DeValkenaere was coming through the yard north of the house to the side of the ramp, knocking over a barbeque grill and hood of a car to gain access to the yard.

Mr. Lamb was slowly backing the pickup down the ramp into the basement garage. As he approached the pickup, Detective Schwalm was on the driver's side of the truck and could see the driver, Cameron Lamb. While some attempt was made to communicate to the driver that the detectives wanted him to stop, it is unclear if Mr. Lamb heard the officers. In the moments prior to the shooting, Detective Schwalm saw Mr. Lamb's left hand, but not Mr. Lamb's right hand. Detective Schwalm stated that Mr. Lamb was looking at him and that Mr. Lamb had his left hand up on the steering wheel with his fingers splayed out. According to Detective Schwalm, Mr. Lamb was holding up his left hand and there was no gun in it.

Detective DeValkenaere stated he was able to see both hands from where he was standing on the passenger side of the truck. Detective DeValkenaere said that Mr. Lamb's right hand was on the steering wheel. Detective DeValkenaere also stated that he saw Mr. Lamb's left hand slide down his body, lean back, reach into his waistband, pull out a gun, and point it at Detective Schwalm. Detective DeValkenaere then fired his gun four times.

Four separate bullets struck the windshield of Mr. Lamb's pickup with two of the bullets striking and fatally wounding Mr. Lamb. After Mr. Lamb was shot, his pickup continued to roll backwards and came to rest at the back of the garage. It is believed the fatal shots were fired into the red truck at the moments when Mr. Lamb was backing his truck over the threshold of the garage entrance. After Mr. Lamb was struck two separate times by gun fire, the truck continued to roll backward until coming to a rest against the back wall of the garage.

At the time the shots were fired, Detective Schwalm was at or near the front driver's side of Mr. Lamb's truck. Detective Schwalm saw Mr. Lamb's body slide from the driver's seat towards the passenger seat after he was shot. Shortly after the shooting, Detective Schwalm and Detective DeValkenaere were joined by other officers at or near the opening of the garage. These officers collectively pointed their weapons at the garage opening and the red truck.

Tactical officers entered the garage and identified that a gun was present on the ground beneath Mr. Lamb's left hand where the truck finally came to rest. In addition, Mr. Lamb's body was found inside the truck with his left arm hanging out of the open driver's side window. While processing the scene, a crime scene technician found four shell casings in various locations on or near the ramp. None of the officers, including Detective Schwalm or Detective DeValkenaere, reported seeing Mr. Lamb throw a weapon or drop a weapon.

Interviews and medical records recovered by the Prosecuting Attorney also show that Mr. Lamb is right-handed and that he did not have full use of his left hand from an injury sustained in 2015.

Phone records and a voicemail recording recovered by the Prosecuting Attorney show that Mr. Lamb made a phone call around the time that Detective DeValkenaere opened fire. The recipient of that call did not answer, and the call went to voicemail. The voicemail recorded the immediate aftermath of the shooting. On the voicemail, a voice can be heard demanding that Mr. Lamb exit the vehicle, show his hands, and keep his hand or hands up. Mr. Lamb's cell phone was found by his right side when officers and crime scene technicians processed the scene and the pickup.

Submitted by the September 2019 Jackson County Grand Jury,

